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THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" There is a Council of State Ministers and that is dealing with this question now. Our State is more or less objecting to the formation of the Board."

Number of cases registered under section 145, *Criminal Procedure Code, in Malabar after the coming into force of the Malabar Tenancy* (*Amendment*) *Act*, 1954.

* 558 *Q.*—SRI K. C. GOPALAN UNNI : Will the Hon. the Minister for Finance be pleased to state—

(*a*) the total number of cases registered under section 145 in Malabar district in general and Walluvanad taluk in particular after the enactment of the Malabar Tenancy (Amendment) Act, 1954 ;

(*b*) whether the Government have received any representations regarding such cases ;

(*c*) if so, the nature of the representations and from whom they were received ; and

(*d*) what action the Government propose to take or have already taken on such representations?

THE HON. SRI C. SUBRAMANIAM :—" (*a*) I am answering this question on the assumption that the hon. Member is referring to cases under section 145, Criminal Procedure Code. The total number of such cases registered in Malabar district after the Malabar Tenancy (Amendment) Act, 1954, came into force is 31. Out of these eleven cases were registered in Walluvanad taluk.

" (*b*) The answer is in the negative.

" (*c*) & (*d*) Do not arise."

SRI K. C. GOPALAN UNNI :—" There were some cases where the landlords tried to enter on the lands occupied by tenants and the tenants sought the help of the police. The police, instead of taking action against the trespasser, caused the promulgation of an order under section 145 and this has caused hardship to the tenants. May I know what the Government propose to do to give protection to the tenants? "

THE HON. SRI C. SUBRAMANIAM :—" It is always open to the aggrieved parties to go to a Court of Law."

SRI T. C. NARAYANAN NAMBIAR :—" These tenants carry on *punam* cultivation and they have what is known as *kuttipunam* right. They enter the land and begin to cultivate. The landlord disputes the rent fixed under the Malabar Tenancy Act creates some trouble and gets order under section 145, Criminal Procedure Code, promulgated, and by the time the matter is settled, the agricultural season will be over. Will the Hon. Minister be pleased to enquire into these 31 cases, as most of them are cases of *punam* cultivation? "

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THE HON. SRI C. SUBRAMANIAM :—" These are cases which have to be dealt with by the Court and I do not think the Government can interfere."

SRI M. KALYANASUNDARAM :—" Section 145 should be resorted to only in cases of normal encroachment. But here, it is used to prevent the tenants from enjoying a right conferred on them by the Malabar Tenancy Act. Will the Government consider the question of issuing special instructions to the police and the Magistrates not to resort to section 145 in such cases? "

THE HON. SRI C. SUBRAMANIAM :—" When there is a dispute about possession and a likelihood of the breach of the peace, there should be some provision under which action should be taken and this is the only provision for it."

SRI K. C. GOPALAN UNNI :—" In the cases in Walluvanad taluk, the records clearly show that the lands were in the possession of the tenants. Still the police pass an order against the interests of the tenants."

THE HON. SRI C. SUBRAMANIAM :—" The Police do not pass any order; they can only submit a report. It is the Magistrate who holds a regular enquiry with regard to possession. It is a judicial enquiry and I do not think we can intervene in the matter."

Excess recovery from the Arikulam Producers'-cum-*Consumers' Co-operative Societies, Limited.*

* 559 *Q.*—SRI K. MADHAVAN NAMBIAR : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether a registered lawyer notice was received by the Collector of Malabar from the Arikulam Producers'-*cum*-Consumers' Co-operative Societies, Limited, for the settlement of their accounts under items of excess recovery by the Government (Civil Supplies) amounting to Rs. 1,25,976–14–5; and

(*b*) if so, the action taken thereon?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) Yes Sir. In addition to Rs. 1,25,976-14-5, a sum of Rs. 43,461-8-1 was also shown as due from Government in the lawyer notice.

" (*b*) In respect of the sum of Rs. 1,25,976-14-5, referred to in the answer to clause (*a*) above, a sum of Rs. 689-0-1 was allowed and a sum of Rs. 92,694-14-6 was disallowed. The balance is pending settlement. As regards the sum of Rs. 43,461-8-1, a sum of Rs. 10,223-6-9 was allowed and the balance is pending settlement."

SRI P. K. GOPALAKRISHNAN :—" A sum of more than 92,000 rupees is said to have been disallowed. May I know the grounds on which it was disallowed? "